

IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED
MAR 23 2004

LINDA MARLIN LIE; STEIN KRISTIANSEN;
MARINA HARDY; SOEHARDO HARDJODISASTRO;
PASRIL WAHID; MARIAM KURNIATI;
AHMAD TAQIUDDIN; RATNA DEWI PANGESTUTI;
CERITERA SEMBIRING; TEDI SUTEDI;
SUTJI SUHARJANTI; MOKHAMAD NAJIB;
LALU MOHAMAD ALI FIKRI; MUJAHID DONNY
SUPANRA; I. KOMANG GINASTA;
TUBAGUS GEMA SATERIY AHIDAAY AT;
HENRY SUWANTORO AZALI;
AKHID SUGENG BASKORO; EUIS DARYANI;
FRANSISKUS XAVERIUS ISWANTA;
PRADNYA PARAMITHA; BAIQ DEWI MEILYNA;
HAMDIAH; HERY ADI GUNAWAN;
RIANA NOVITA; GATOT SUHERMAN;
HARTINI SUHERMAN; ABDUL HAMID FAISAL;
DEDE YUDI FERDIANSAN; PUTRI BANA;
SUHARDI RUSDI; MUKRI MAWARDAN HAMZAH;
ACHMAD MASRI; LALU MOHAMAD SYAR'I;
HUSNUL KHOTIMI; SOEY AMTO UTOMO;
DEWHA PALUPESSY; BRADLEY GILLAM
and RENI SUKREWATI GILLAM, individually and
as parents and next friends of JAMILAH GILLAM,
a minor; GABRIELE NOE and JUREEPORN SAETAN
NOE, individually and as parents and next friends of
MARISA NOE, a minor; TAUFIK HIDAYAT, as father
and next friend of RAFIDAH FAWWAZIA HIDAYAT,
a minor; BAIQ DEWI MEILYNA, as mother and next
friend of RORO JIHAN AFNAN HISANAH, a minor;
SITI FATONAH, as personal representative of the estate
of SANTI ANGGRAINI, deceased; YETTI KARINA,
as personal representative of the estate of RATU SOFIA,
deceased; and UTOMO BUDI RAHARDJO, as personal
representative of the estate of SARSINAH SOEHARDO,
deceased,

Plaintiffs,

v.

THE BOEING COMPANY, a corporation;
CFM INTERNATIONAL, INC., a corporation,

FILED

MAR 22 2004

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Case No: 04C 2144

JUDGE SHADUR

MAGISTRATE JUDGE ASHMAN

1-1

individually and d/b/a CFM INTERNATIONAL,
a joint venture; CFM INTERNATIONAL, S.A., a French
société anonyme, individually and d/b/a CFM
INTERNATIONAL, a joint venture;
CFM INTERNATIONAL, a joint venture; and
INTERNATIONAL LEASE FINANCE
CORPORATION, a corporation,

Defendants.

CFM INTERNATIONAL, INC., a corporation,

Third-Party Plaintiff,

v.

P.T. GARUDA INDONESIA, a foreign
corporation,

Third-Party Defendant.

THE BOEING COMPANY, a corporation,

Third-Party Plaintiff,

v.

P.T. GARUDA INDONESIA, a foreign
corporation,

Third-Party Defendant.

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION:

Third-Party Defendant, P.T. GARUDA INDONESIA (hereinafter referred to as
"GARUDA"), by its attorneys, Kaplan & von Ohlen, hereby removes this action from the Circuit

Court of Cook County to the United States District Court, Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §§ 1330, 1441(a), 1441(d) and 1446(a). In support thereof, GARUDA states as follows:

1. On January 15, 2004, the Plaintiffs identified in the foregoing caption commenced this action in the Circuit Court of Cook County, Illinois, County Department, Law Division, styled *Linda Marlin Lie et al. v. The Boeing Company et al.*, Case No. 2004-L-000498, against the following Defendants: The Boeing Company, a corporation ("Boeing"); CFM International, Inc., a corporation, individually and d/b/a CFM International, a joint venture ("CFM"); CFM International, S.A., a French société anonyme, individually and d/b/a CFM International, a joint venture; CFM International, a joint venture; and International Lease Finance Corporation, a corporation.

2. This action is a civil action in which the Plaintiffs seek wrongful death and bodily injury damages from the Defendants arising from the emergency landing of a Boeing 737-300 aircraft in the Bengawan Solo River in Indonesia on January 16, 2002. At the time of the emergency landing, the aircraft was being operated by GARUDA as Flight 421 from Lombok to Yogyakarta, Indonesia.

3. On March 22, 2004, CFM filed an Answer and a Third-Party Complaint against GARUDA, which is the initial pleading setting forth the claim for relief upon which CFM's action against GARUDA is based. GARUDA first received a copy of said pleading on March 22, 2004.

4. In its Third-Party Complaint, CFM alleges, among other things, that should it be found liable to Plaintiffs for the damages alleged in the Complaint, then it is entitled to contribution, full indemnity, implied indemnity and/or equitable indemnity from GARUDA.

5. On March 22, 2004, Boeing filed an Answer and a Third-Party Complaint against GARUDA, which is the initial pleading setting forth the claim for relief upon which Boeing's action against GARUDA is based. GARUDA first received a copy of said pleading on March 22, 2004.

6. In its Third-Party Complaint, Boeing alleges, among other things, that should it be found liable to Plaintiffs for the damages alleged in the Complaint, then it is entitled to contractual indemnity, complete indemnity, equitable indemnity and/or contribution from GARUDA.

7. This action first became removable on March 22, 2004, the date on which CFM and Boeing filed their Third-Party Complaints against GARUDA.

8. The filing of this Notice of Removal is timely.

9. As alleged by CFM and Boeing in their Third-Party Complaints, GARUDA is an agency or instrumentality of the government of the Republic of Indonesia for purposes of the Foreign Sovereign Immunities Act ("FSIA"). (28 U.S.C. § 1603).

10. GARUDA affirmatively avers that it is a corporate entity organized and existing under the laws of the Republic of Indonesia; that it is 100% owned by the Republic of Indonesia; and that it is not a citizen of any state of the United States, bringing it within the scope of 28 U.S.C. § 1603.

11. Pursuant to 28 U.S.C. § 1441(d), GARUDA is entitled to remove this entire matter from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois, Eastern Division. *See In re Air Crash Disaster Near Roselawn, Indiana*, 96 F.3d 932, 936 (7th Cir. 1997); *Allendale Mut. Ins. Co. v. Bull Data Systems, Inc.*, 10 F.3d 425 (7th Cir. 1993); *State Bank of India v. NLRB*, 808 F.2d 526 (7th Cir. 1986).

12. Simultaneous with the filing of this Notice of Removal, GARUDA served a copy of

same on each counsel of record in this action. Additionally, on March 22, 2004, GARUDA filed with the Clerk of the Circuit Court of Cook County, Illinois, County Department, Law Division, its Notice of Filing Notice of Removal and served a copy of same on each counsel of record in this action.

13. GARUDA submits this Notice of Removal in accordance with Rule 11 of the Federal Rules of Civil Procedure.

14. The following documents constitute all of the process, pleadings and orders in this action which GARUDA's counsel was able to locate in the files of the Clerk of the Circuit Court of Cook County, Illinois, County Department, Law Division, on March 22, 2004:

- (a) Plaintiffs' Complaint at Law;
- (b) Plaintiffs' Jury Demand;
- (c) Plaintiffs' Supreme Court Rule 222 Affidavit;
- (d) Petitioner Yetty Karina's Petition for Appointment of Special Administrator;
- (e) Petitioner Siti Fatonah's Petition for Appointment of Special Administrator;
- (f) Petitioner Utomo Budi Rahardjo's Petition for Appointment of Special Administrator (page 1);
- (g) Plaintiffs' Notice of Routine Motion to Voluntarily Dismiss Defendant International Lease Finance Corporation;
- (h) Plaintiffs' Motion to Voluntarily Dismiss Defendant International Lease Finance Corporation;
- (i) Proposed Order granting Plaintiffs' Routine Motion to Voluntarily Dismiss Defendant International Lease Finance Corporation;
- (j) Order granting Plaintiffs' Routine Motion to Voluntarily Dismiss Defendant

International Lease Finance Corporation;

- (k) February 20, 2004 Stipulation extending time for CFM to file its responsive pleading or other motions directed at Plaintiffs' Complaint to March 22, 2004;
- (l) February 20, 2004 Agreed Order extending time for CFM to file its responsive pleading or other motions directed at Plaintiffs' Complaint to March 22, 2004;
- (m) March 3, 2004 Routine Notice of Motion extending date for Defendant The Boeing Company to answer or otherwise plead to Plaintiffs' Complaint at Law;
- (n) March 3, 2004 Routine Agreed Motion for Extension of Time to Answer or Otherwise Plead;
- (o) March 3, 2004 Routine Agreed Order extending date for Defendant The Boeing Company to answer or otherwise plead to Plaintiffs' Complaint at Law from March 5 to March 22, 2004;
- (p) CFM's Summons to GARUDA, dated March 22, 2004;
- (q) CFM's Notice of Filing Answer, Separate Defenses and Third-Party Complaint, dated March 22, 2004;
- (r) CFM's Answer, Separate Defenses and Third-Party Complaint, dated March 22, 2004;
- (s) Boeing's Appearance, dated March 22, 2004;
- (t) Boeing's Summons to GARUDA, dated March 22, 2004; and
- (u) Boeing's Answer and Third-Party Complaint, dated March 22, 2004;

True and correct copies of the foregoing documents are attached hereto as Exhibits "A" through "U," respectively.

WHEREFORE, P.T. Garuda Indonesia, the Third-Party Defendant in the action described herein which is currently pending in the Circuit Court of Cook County, Illinois, County Department, Law Division, requests that this Honorable Court assume full jurisdiction over this cause, as provided by law.

March 22, 2004

P.T. GARUDA INDONESIA

By: 

One Of Its Attorneys

Larry S. Kaplan, Esq.
Richard A. Walker, Esq.
Telly Andrews, Esq.
Kaplan & von Ohlen
120 N. LaSalle Street, 24th Floor
Chicago, Illinois 60602
Telephone: (312) 345-3000
Facsimile: (312) 345-3119
Attorneys for Third-Party Defendant
P.T. GARUDA INDONESIA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Third-Party Defendant P.T. Garuda Indonesia's Notice of Removal was served on the following parties by placing it in a properly addressed envelope and placing same in the United States Mail with First Class postage prepaid on March 22, 2004:

COUNSEL FOR PLAINTIFFS LINDA MARLIN LIE, ET AL.:

Donald J. Nolan
William A. Jaeger
The Nolan Law Group
20 North Clark Street, 30th Floor
Chicago, Illinois 60602
Tel. (312) 630-4000
Fax (312) 630-4011

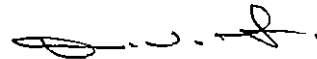
COUNSEL FOR DEFENDANT THIRD-PARTY PLAINTIFF THE BOEING COMPANY

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Seattle, Washington 98101-3099
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COUNSEL FOR DEFENDANT THIRD-PARTY PLAINTIFF CFM INTERNATIONAL, INC.

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Tel. (312) 853-7000
Fax (312) 853-7036



Daniel V. Santiago

Attorney for Third-Party Defendant
P.T. GARUDA INDONESIA

**VOLUMINOUS
RECORD**

**PLEASE SEE CASE
FILE**

FOR

**FURTHER
INFORMATION**

12000 J01NLS10 'S'0
U.S. DISTRICT COURT
MAR 22 2004

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

DOCKETED

MAR 23 2004

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

Plaintiff(s): **Linda Marlin Lie, et al.**

**Defendant(s): Defendants: The Boeing Company,
CFM International, Inc., CFM International,
S.A., CFM International, International Lease
Finance Corporation (dismissed); Third-Party
Defendant: PT Garuda Indonesia.**

County of Residence: Not citizens of the United States

County of Residence: Cook County, Illinois

Plaintiff's Atty: Donald J. Nolan
The Nolan Law Group
20 N. Clark Street, 30th Floor,
Chicago, IL 60602
(312) 630-4000

Defendant's Atty: See List attached as
Appendix A

JUDGE SHADURII. Basis of Jurisdiction:

3. Federal Question (U.S. not a party)

04C 2144

III. Citizenship of Principal
Parties (Diversity Cases Only)

Plaintiff: - N/A
Defendant: - N/A

MAGISTRATE JUDGE ASHMAN FILEDIV. Origin :

2. Removed From State Court

MAR 22 2004

V. Nature of Suit:

310 Airplane

**MICHAEL W. DOBRINS
CLERK, U.S. DISTRICT COURT**

VI. Cause of Action:

**Complaint for wrongful death and bodily injury based on common
law negligence and strict liability. Third-party complaint for
indemnity and contribution removed by PT Garuda Indonesia, a
foreign sovereign, under the Foreign Sovereign Immunities Act.**

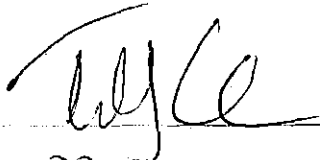
VII. Requested in Complaint

Class Action: No
Dollar Demand: No dollar amount stated.
Jury Demand: Yes

VIII. This case IS NOT a refiling of a previously dismissed case.

1-2

Signature: _____

A handwritten signature in black ink, appearing to be "Wyle", written over a horizontal line.

Date: _____

3-22-04

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it.

Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.**

Revised: 06/28/00

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

DOCKETED

MAR 23 2004

In the Matter of

EASTERN DIVISION

Linda Marlin Lie, et al.

v.

The Boeing Company, et al.

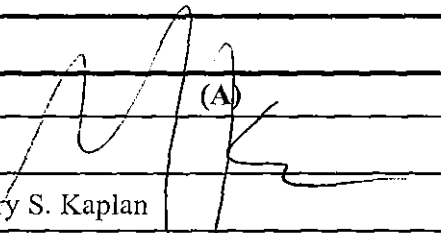
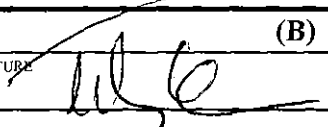
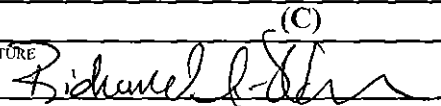
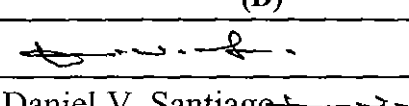
Case Number

04C 2144

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

PT Garuda Indonesia, a foreign corporation, Third Party Defendant

JUDGE SHADUR**MAGISTRATE JUDGE ASHMAN**

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Larry S. Kaplan		NAME Telly Andrews	
FIRM Kaplan & von Ohlen		FIRM Kaplan & von Ohlen	
STREET ADDRESS 120 North LaSalle, 24th Floor		STREET ADDRESS 120 North LaSalle, 24th Floor	
CITY/STATE/ZIP Chicago, IL 60602		CITY/STATE/ZIP Chicago, IL 60602	
TELEPHONE NUMBER 312-345-3000	FAX NUMBER 312-345-3119	TELEPHONE NUMBER 312-345-3000	FAX NUMBER 312-345-3119
E-MAIL ADDRESS lkaplan@kvola.com		E-MAIL ADDRESS tandrews@kvola.com	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 1398717		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6242431	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
FILED			
MICHAEL W. DOBINS CLERK, U.S. DISTRICT COURT			
(C)		(D)	
SIGNATURE 		SIGNATURE 	
NAME Richard A. Walker		NAME Daniel V. Santiago	
FIRM Kaplan & von Ohlen		FIRM Kaplan & von Ohlen	
STREET ADDRESS 120 North LaSalle, 24th Floor		STREET ADDRESS 120 North LaSalle, 24th Floor	
CITY/STATE/ZIP Chicago, IL 60602		CITY/STATE/ZIP Chicago, IL 60602	
TELEPHONE NUMBER 312-345-3000	FAX NUMBER 312-345-3119	TELEPHONE NUMBER 312-345-3000	FAX NUMBER 312-345-3119
E-MAIL ADDRESS rwalker@kvola.com		E-MAIL ADDRESS dsantiago@kvola.com	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6196947		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6238543	
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